

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 1:20-cr-00077-TSB
	:	
v.	:	JUDGE BLACK
	:	
LARRY HOUSEHOLDER, et al.,	:	
	:	
Defendants.	:	

**FORMER OHIO HOUSE SPEAKER CLIFFORD D. ROSENBERGER'S
MOTION FOR DESIGNATION AS A "VICTIM" UNDER THE CRIME
VICTIMS' RIGHTS ACT, 18 U.S.C. § 3771**

As then Speaker of the Ohio House of Representatives, Movant Clifford D. Rosenberger was a roadblock to Larry Householder's racketeering Enterprise, opposing a bailout of First Energy's nuclear power plants and preventing such legislation from advancing. Householder, Neil Clark and others thus found a way to oust him, with a campaign of lies, rumors and misinformation, which eventually resulted in an F.B.I. investigation that ultimately drove Rosenberger from office. Nevertheless, despite the passage of more than five years, and the expiration of the five-year statute of limitations,¹ the government has charged Rosenberger with nothing.

But for the conspirators intentional targeting of him, Rosenberger would have completed his term as Speaker without suffering the economic, reputational and emotional injuries they inflicted on him. He therefore seeks designation as a "crime victim" under the

¹ 18 U.S.C. § 3282.

Crime Victims' Rights Act, 18 U.S.C. § 3771.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

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INTRODUCTION

On March 9, 2023, a jury convicted former Ohio House Speaker Larry Householder of participating in a racketeering conspiracy whose objective was to ensure the passage of legislation to bail out two failing nuclear power plants owned by Akron, Ohio based First Energy Corp.² In exchange, Householder and his co-conspirators received nearly \$61 million in bribes.

To ensure the conspiracy's success, it was essential for Householder to be elected as House Speaker.³ The conspirators accomplished this by, among other things, finding ways to remove anyone who stood in Householder's way.

This included getting rid of movant Clifford D. Rosenberger, who served as House Speaker from 2015 until he was driven from office and resigned on April 12, 2018. This was accomplished by a "set up" by Householder and, among others, former lobbyist Neil Clark, who propagated rumors and misinformation about a phony bribery scheme in which Rosenberger allegedly was involved. Their actions led to an FBI investigation, which included searches of Rosenberger's offices and home,⁴ along with a grand jury subpoena for House records, and interviews of friends, colleagues and staff, all of which resulted in predictable and substantial negative publicity. These culminated in demands for Rosenberger's resignation by the

² The legislation would also have provided assistance with respect to two coal-fired power plants, also owned by First Energy.

³ Householder served in the House of Representatives from 1997 to 2004, including as speaker from 2001 to 2004. In 2004, the F.B.I. investigated him for money laundering and illegal campaign practices. The government closed its case without filing charges. In 2016, he was re-elected to his old seat, and in January 2019, again elected as Speaker. See Affidavit in Support of a Criminal Complaint, *United States v. Larry Householder, et al.*, No. 1:20-MJ-00526 (S.D. Ohio July 17, 2020) (Doc. # 5) ("Complaint") ¶ 20; Indictment, *United States v. Larry Householder, et al.*, No. 1:20-CR-077 (S.D. Ohio July 30, 2020) (Doc. # 22) ("Indictment") ¶ 2.

⁴ Information about at least one of the warrants leaked in advance, as a result of which television and print media were present at the search of Rosenberger's home in Clarksville, a small town approximately 70 miles from Columbus. The prosecutors have stated that no one on their team was responsible for the leak.

Governor, Attorney General and legislative leaders, to which Rosenberger ultimately succumbed.

Despite this humiliation, no charges have been filed against Rosenberger despite the passage of more than five years. The five-year statute of limitations⁵ has now expired with respect to all of the suspected offenses identified by the government in its reverse proffer or otherwise, making it unlikely that charges will ever be filed.

Rosenberger offers the foregoing simply as background, and could offer much more from a treasure trove of extrinsic evidence showing that Householder, Neil Clark and others conspired to oust Rosenberger, but refrain from doing so because of the acknowledged limitations on the evidence what the CVRA permits the Court to consider. However, as demonstrated below, based strictly on the record in this case, that the conspirators' actions in carrying out their scheme directly and proximately harmed Rosenberger by driving him from office, which caused him to suffer economic, reputational and psychological damage. Rosenberger therefore asks the Court to designate him as a "crime victim" under the Crime Victims' Rights Act, and afford him the procedural rights conferred by the statute.

I. STATEMENT OF FACTS

A. FIRST ENERGY'S DIRE FINANCIAL STRAITS

In 2016, First Energy's financial prospects were grim. In its November 2016 Annual Report to Shareholders, First Energy and its affiliates reported a weak energy market, poor forecast demands and hundreds of millions of dollars in losses, particularly from its nuclear

⁵ 18 U.S.C. § 3282.

energy affiliate, then called First Energy Solutions.⁶ Consequently, First Energy sought a “legislative solution” for its two, affiliated nuclear power plants in Ohio.⁷

At or about that time, First Energy reported to shareholders billions of dollars in losses, including losses by its nuclear power plants. Later, in 2017, First Energy announced publicly that, absent a legislative solution, its only remaining strategic options were bankruptcy, plant deactivations and/or restructuring debt. In or about March 2018, First Energy announced that it would close its nuclear power plants absent legislative action.⁸

However, attempts to obtain a legislative solution had failed to pass.⁹ Thus, the racketeering Enterprise implemented another strategy to pass an even more expansive legislative fix shortly after Householder’s election as Speaker.¹⁰

B. ROSENBERGER REFUSES A BAILOUT

Earlier, in February 2017, First Energy CEO Chuck Jones and Senior Vice President Mike Dowling had met with Rosenberger and others for an afternoon meeting at Ruth’s Chris Steakhouse in Bonita Springs, Florida, in connection with an annual fundraiser.¹¹ The record does not show what they discussed because the Court sustained a hearsay objection to further testimony about the meeting.¹² The record does, however, reveal that during the General Assembly’s 2017 term, the Ohio House was considering a piece of legislation that was intended

⁶ References to “First Energy” are intended to refer, collectively, to First Energy, First Energy Solutions, and all other First Energy subsidiaries and/or affiliates that were involved in the case.

⁷ Indictment ¶¶ 22, 24, 98; Complaint ¶¶ 10-11.

⁸ Indictment ¶¶ 22, 24, 98; *see* Complaint. ¶¶ 10-11.

⁹ *E.g.*, Trial Transcript, *United States v. Larry Householder*, No 1:20-CR-0077 (Doc. # 216) (“Tr.”) at 2843-2844 (PAGE ID 7944-7945), 3055-3058 (PAGE ID 8218-8219); *see* Complaint ¶ 12.

¹⁰ *E.g.*, Tr. at 248 (PAGE ID 4794), 1634 (PAGE ID 6515); Complaint ¶ 109. Householder’s racketeering enterprise consisted of Larry Householder, Jeffrey Longstreth, Neil Clark, Matthew Borges, Juan Cespedes, a PAC known as Generation Now, and others. Tr. at 19-20 (PAGE ID 4530-4531); Indictment ¶ 1.

¹¹ Tr. at 3053-3055 (PAGE ID 8216-8218).

¹² *Id.* at 3055 (PAGE ID 8218).

to provide production credits to First Energy for its two nuclear power plants.¹³ When that proposal failed to pass, and after Rosenberger's removal, House Bill 6 ("HB 6") was introduced to "provide[] a bailout to the nuclear power plants."¹⁴ This was First Energy's "legislative solution."¹⁵

Householder and then-Speaker Cliff Rosenberger had a poor relationship.¹⁶ Householder felt that even though he was a Republican House member, Rosenberger considered him a political outsider.¹⁷ Householder also felt that Rosenberger was associated with an "organized, well-funded operation that tried to kill" Householder supporters in upcoming primaries.¹⁸ Most important, Rosenberger had previously used his power as Speaker to block First Energy bailout legislation.¹⁹ This placed Rosenberger squarely in Householder's way, making it essential to remove him.

Once rid of Rosenberger, Householder's strategy was "*making [First Energy's] issue a campaign priority for incoming elected officials to achieve a solution in the first quarter of 2019....*"²⁰ "The strategy involved ramming a sweeping piece of legislation through the House and pushing the Senate to agree."²¹ This strategy was successful, and HB 6 passed and was signed into law.

¹³ E.g., Tr. at 3055-3056 (PAGE ID 8218-8219). The initial proposed legislation was known as "ZEN," which stood for "Zero Emission Nuclear." *Id.*; Tr. at 233 (PAGE ID 4779). ZEN was "fundamentally ... a watered down version" of HB 6. Tr. At 2844 (PAGE ID 7945).

¹⁴ *Id.* at 2843-2844 (PAGE ID 7944-7945); Complaint ¶¶ 14, 112.

¹⁵ See § I.A., above; Complaint ¶¶ 40, 109; Tr. at 3-55-3057 (PAGE ID 8218-8220).

¹⁶ Tr. at 1497 (PAGE ID 6174) (Rosenberger not a supporter), 1497 (PAGE ID 6174) (Rosenberger ran a primary opponent against Householder).

¹⁷ Tr. at 2769 (PAGE ID 7870).

¹⁸ *Id.* at 2770 (PAGE ID 7871).

¹⁹ E.g., Tr. at 2844-2845 (PAGE ID 7945-7946); Complaint ¶ 12.

²⁰ Complaint ¶ 40 (referring to a contract with Oxley Group LLC, which listed co-conspirator Juan Cespedes as the "supplier contact") (emphasis in original); Tr. at 2845 (PAGE ID 7946).

²¹ Tr. at 2056 (no PAGE ID); Complaint ¶ 109.

C. HOUSEHOLDER RE-EMERGES

While First Energy searched for a solution to its nuclear energy problem, Larry Householder was re-entering politics, winning back his House seat representing Perry County, with the goal of again becoming Speaker in January 2019.²² He targeted becoming Speaker as early as 2016,²³ and aggressively sought support for his candidacy.²⁴

Three months into Householder's term as Speaker, the "legislative solution," HB 6, was introduced to save First Energy's nuclear power plants from failing.²⁵ On May 29, 2019, HB 6 passed the House.²⁶ First Energy paid Householder and his co-conspirators more than \$60,000,000 in secret payments over approximately three years in exchange for this billion-dollar bailout.²⁷

D. HOUSEHOLDER GETS RID OF ROSENBERGER

1. "WHAT ARE WE DOING ABOUT CLIFF?"

Householder was no stranger to using strong-arm tactics to rid himself of political foes, including Rosenberger, who, as already mentioned, was a political adversary.²⁸ Team Householder – a term that Householder used to describe his allies – openly threatened consequences for political opponents. "[I]f you were on Team Householder, you were protected; if you weren't, there were consequences,"²⁹ including "people shooting at you."³⁰ "Householder

²² *E.g.*, Tr. at 18 (PAGE ID 4529), 21(PAGE ID 4532); Indictment ¶¶ 2, 34; Complaint ¶ 13.

²³ Tr. at 21 (PAGE ID 4532); Complaint ¶¶ 34, 67.

²⁴ Tr. at 3116-3117 (PAGE ID 8279-8289), 3319 (PAGE ID 8489); Indictment ¶¶ 45, 55, 95-96; Complaint ¶ 21.

²⁵ Indictment ¶¶ 25, 95, 98, 104-106; Complaint¶ 14.

²⁶ *E.g.*, Tr. at 965 (PAGE ID 5529); Complaint ¶ 16.

²⁷ *E.g.*, Tr. at 16 (PAGE ID 4527), 44 (PAGE ID 4555), 2458 (PAGE ID 7492); Indictment ¶¶ 75-76; Complaint ¶ 18. *See generally*, Indictment ¶¶ 22-25.

²⁸ *See, e.g.*, Tr. at 1497 (PAGE ID 6174), 1497 (PAGE ID 6174).

²⁹ Tr. at 2863 (PAGE ID 7964).

³⁰ Tr. at 2660 (PAGE ID 7694).

strong-armed House members, particularly opponents of [HB 6].”³¹ He also pressured other public officials to support the bill.³² He was responsible for attack ads against opponents.³³ Part of the conspirators’ *modus operandi* was to “roll marbles,” self-evidently meaning to trip up opponents such as Rosenberger.³⁴

Documents extracted from Longstreth’s iCloud account show this. In one, Longstreth posed the question, “What are we doing about Cliff[?] What if he leaves early?”³⁵ In another, apparently an agenda headed “Time to get Moving!,” under the heading “Strategy,” Longstreth asked “What are we doing to roll marbles?”³⁶

Consistent with that strategy, Householder bragged to First Energy CEO Chuck Jones that “Nobody screws with my members, my name ain’t Cliff or Ryan.”³⁷ In short, Householder’s approach was to “f-ck over” political opponents.³⁸

This included using a political blog known as “3rd Rail Politics,” or “3rd Rail,” which Householder viewed as a vehicle “to put out information” because it “had a very good following.”³⁹ 3rd Rail fit in well enough with Householder’s digital media strategy that he even considered buying it.⁴⁰ Clearly, 3rd Rail’s unrelenting attacks on Rosenberger’s competence and character were part of Householder’s strategy to get rid of him.

³¹ Complaint ¶ 109; *see* Tr. at 33 (PAGE ID 4544), 2424-2425 (PAGE ID 7458-7459), 2427 (PAGE ID 7461).

³² Indictment ¶ 41; Complaint ¶ 109.

³³ Tr. at 2627-2628 (PAGE ID 7661-7662); 3411-3412 (PAGE ID 8581-8582).

³⁴ *See* Tr. at 364 (PAGE ID 4910); Government Exhibit 201F.

³⁵ Government Exhibit 201E.

³⁶ Government Exhibit 201F.

³⁷ *Id.* at 3412 (PAGE ID 8582). The reference to “Ryan” related to Ryan Smith, Rosenberger’s preferred successor. *See* Tr. at 1507-1508 (PAGE ID 6185).

³⁸ Complaint ¶ 77; Tr. at 3574 (PAGE ID 8744).

³⁹ Tr. at 2011 (no PAGE ID).

⁴⁰ *Id.* *See, e.g.,* Tr. at 2625 (PAGE ID 7659) (Householder’s use of PACs to fund digital, mail and television ads); 2627 (PAGE ID 7661) (funding attack ads against opponents).

Clark also participated in Householder's corrupt effort to remove Rosenberger by giving disinformation directly to the F.B.I. In a recorded conversation with undercover F.B.I. agents, Clark bragged that he had previously been interviewed by F.B.I. about Rosenberger's international trips. Clark stated that "[a]fter about two hours, they say, 'Is he corrupt,' to which he responded 'He's absolutely corrupt.'"

2. "WE DESTROY CLIFF ROSENBERGER"

Householder and Clark's animus toward Rosenberger, and their eagerness to "destroy" him, are clearly on display in a March 30, 2018 wiretapped conversation among Householder, Clark, and one or more others.⁴¹ Householder was direct about how to defeat a disfavored candidate whom Rosenberger had endorsed: "*We destroy Cliff Rosenberger and we destroy her.*"⁴²

During the call, Householder and Clark discussed several ways to destroy Rosenberger:⁴³

CLARK: Why don't you ask Rosenberger where his (indiscernible)? Ask him about all of his trips.

HOUSEHOLDER: Ask him about his condo, up in the (indiscernible).⁴⁴

CLARK: Ask him about all of his freebies.

HOUSEHOLDER: ... Ask him about the three young boys ...got paid off (indiscernible) out of Columbus –⁴⁵

* * * *

⁴¹ Government Exhibit 913. See Tr. at 22-3567 (PAGE ID 87337). We attach a transcript of the conversation as Exhibit A.

⁴² Exhibit A at 8 (emphasis added).

⁴³ We attach a transcript of the call as Exhibit A.

⁴⁴ This refers to a condominium

⁴⁵ Exhibit A at 6-7.

CLARK: ... You know, ask him what he's been doing since he's been up there. And then he'll f*cking panic, you know, *because of other things that are happening*.⁴⁶ He'll f*cking panic.⁴⁷

* * * *

CLARK: World traveler on the tab of lobbyists. World traveler on the tab of lobbyists, okay? ... Ask him where he's been for the past year, and is it

HOUSEHOLDER: (Indiscernible) for the last four years.

* * * *

CLARK: ... Where's the little -- where's [this] little playboy running to or whatever?⁴⁸

Householder and Clark also discussed running a campaign ad in Rosenberger's district, portraying him as a "world traveler paid for by special interest lobbyists," and nicknaming him "Little Jet Man."⁴⁹ According to Clark, "[Y]ou could spend 5, \$6000 and go put something on in Rosenberger's district and blow his brains out."⁵⁰

E. HOUSEHOLDER'S PLAN SUCCEEDS – ROSENBERGER'S RESIGNATION "A SIGNIFICANT MOMENT OF MOBILIZATION FOR THE ENTERPRISE"

Rosenberger ultimately succumbed to Householder's merciless pressure and resigned on April 12, 2018.⁵¹ Rosenberger's resignation "marked a significant moment of mobilization for the Enterprise, which was made possible because of the payments from [First Energy]."⁵²

According to the Complaint:

On the day of the Speaker's [*i.e.*, Rosenberger's] resignation, Householder and [co-conspirator Jeffrey] Longstreth had a 31-minute call. Shortly thereafter, they

⁴⁶ This is an obvious reference to the unrelenting attacks on Rosenberger 3rd Rail Politics, and in the media. Householder not only used 3rd Rail Politics as a vehicle "to put out information," but even considered purchasing it. *See* pp. 8-9, above.

⁴⁷ Exhibit A at 7-8 (emphasis added).

⁴⁸ *Id.* at 9.

⁴⁹ *Id.* at 9.

⁵⁰ *Id.* at 11.

⁵¹ *See* Tr. at 2839 (PAGE ID 7940).

⁵² Complaint ¶ 90.

both began making the rounds. Householder contacted [First Energy] Service Co.'s Sr. Vice President of External affairs, and proceeded to have a 5-minute phone call. Longstreth communicated with [First Energy's] Ohio Director of State Affairs, and followed immediately with a call to the attorney for the PAC and then communicated with an executive of Political Strategy Firm 1. Longstreth and Householder then communicated with many Team Householder candidates throughout the day.⁵³

Additionally, on the same day, "bank records reveal that the Enterprise wired \$750,000 to the PAC."⁵⁴

Householder was re-elected as Speaker in 2019, and HB 6 was introduced three months into his tenure, to save First Energy's two failing nuclear power plants.⁵⁵ It passed the House on May 29, 2019,⁵⁶ was later passed by the Senate,⁵⁷ and signed into law.⁵⁸

F. ROSENBERGER'S RESIGNATION: A "PIVOTING POINT" FOR THE 2018 HOUSE PRIMARY CAMPAIGNS

Rosenberger's resignation – and the F.B.I. investigation that caused it – were central to Householder's plan to again become House Speaker by electing pro-Householder candidates, so that he could effectuate the RICO conspiracy. This is underscored by a campaign slide deck for the 2018 Ohio House primary campaigns prepared by a political consulting firm named Storytellers, called "Winning Ohio for Householder / 2018 Ohio House Primary Campaigns."⁵⁹

⁵³ *Id.*

⁵⁴ *Id.* ¶ 89.

⁵⁵ See notes 12 and 13, above, and accompanying text; Complaint ¶¶ 13, 14, 111.

⁵⁶ See notes 12 and 13, above, and accompanying text; Complaint ¶ 16.

⁵⁷ See notes 12 and 13, above, and accompanying text; Complaint ¶ 16.

⁵⁸ *Id.*

⁵⁹ We attach the Storytellers deck, Government Exhibit 742, as Exhibit B.



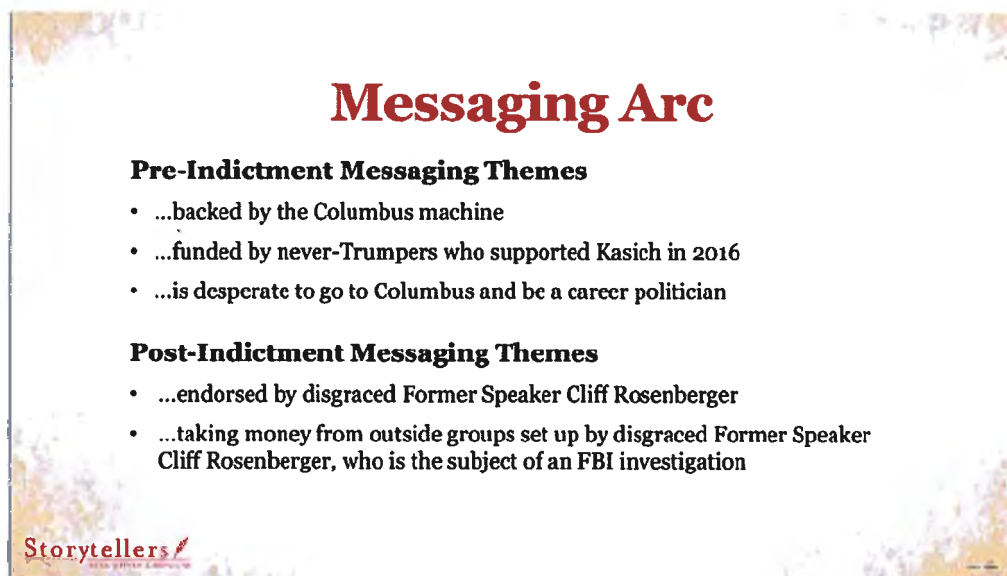
Storytellers' deck, slide 1

The deck explicitly describes Rosenberger's resignation as "The Campaign's Pivoting Point."



Storytellers' deck, slide 34

Team Householder clearly viewed the investigation that drove Rosenberger from office as enormously beneficial to their plan to elect pro-Householder candidates, as shown by the extent to which campaign planning focused on it. For instance, the deck contained a "Messaging Arc," that consisted of both "pre" and "post" Rosenberger indictment themes.



Storytellers' deck, slide 15

The deck also provided sample "Pre-Indictment Direct Mail" ...



Storytellers' deck, slide 32

... and "Post-Indictment Direct Mail," all focusing on Rosenberger.



Storytellers' deck, slide 35

II. LAW AND ARGUMENT

A. ROSENBERGER IS A VICTIM UNDER THE CRIME VICTIMS' RIGHTS ACT

1. THE CVRA

The Crime Victims' Rights Act (the "CVRA")⁶⁰ defines a "crime victim" as "a person directly and proximately harmed as a result of the commission of a federal offense."⁶¹ The CVRA guarantees to such crime victims an array of substantive and participatory rights," including without limitation:

- The right to reasonable, accurate and timely notice of any public court proceeding involving the crime;⁶²
- The right not to be excluded from any such public court proceeding;⁶³

⁶⁰ 18 U.S.C. § 3771.

⁶¹ *Id.* § 3771(e).

⁶² 18 U.S.C. § 3771(a)(2).

⁶³ *Id.* § 3771(a)(3). The sole exception is if, upon clear and convincing evidence, the Court determines that hearing other testimony at the proceeding would materially alter testimony by the victim. *Id.*

- The right to be reasonably heard at any public proceeding in the district court involving sentencing;⁶⁴
- The reasonable right to confer with the attorney for the government in the case;⁶⁵ and,
- The right to full and timely restitution as provided in law.⁶⁶

“In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded” these rights.⁶⁷ “Under the plain language of the statute, a party may qualify as a victim even though it may not have been the target of the crime, as long as it suffers harm as a result of the crime’s commission.”⁶⁸

The CVRA ... does not limit the class of crime victims to those whose identity constitutes an element of the offense or who happen to be identified in the charging document. The statute, rather, instructs the district court to look at the offense itself only to determine the harmful effect the offense has on parties. Under the plain language of the statute, a party may qualify as a victim, even though it may not have been the target of the crime, as long as it suffers harm as a result of the crime’s commission.⁶⁹

Crime victims must prove their victim status by a preponderance of the evidence.⁷⁰ In making this determination, the Court must “(1) look to the offense of conviction, based solely on facts reflected in the jury verdict or admitted by the defendant; and then (2) determine, based on those facts, whether any person or persons were ‘directly and proximately harmed as a result of

⁶⁴ *Id.* § 3771(a)(4).

⁶⁵ *Id.* § 3771(a)(5).

⁶⁶ *Id.* § 3771(a)(6).

⁶⁷ *Id.* § 3771(b)(1).

⁶⁸ *McNulty*, 597 F.3d at 351, quoting *In re Stewart*, 552 F.3d 1285, 1289 (11th Cir. 2008); *Giraldo-Serna*, 118 F. Supp. at 383.

⁶⁹ *In re Stewart*, 552 F.3d 1285, 1289 (11th Cir. 2008) (cited in *McNulty*, 597 F.3d at 351)

⁷⁰ See *In re McNulty*, 597 F.3d 344, 352 (6th Cir. 2010), citing *United States v. Johnson*, 440 F.3d 832, 835-39, 849-50 (6th Cir. 2006); *United States v. Giraldo-Serna*, 118 F. Supp.3d 377, 3882 (D.D.C. 2015).

the commission of [that] Federal offense.”⁷¹ This requirement encompasses the traditional “but for” and “proximate cause” analyses.⁷² This determination is fact-specific.⁷³

“The CVRA’s ‘directly and proximately harmed’ language imposes dual requirements of cause in fact and foreseeability.”⁷⁴

A person is directly harmed by the commission of a federal offense where that offense is a but-for cause of the harm. A person is proximately harmed when the harm is a reasonably foreseeable consequence of the criminal conduct.⁷⁵

“That the harm must be ‘direct’ requires that the harm to the victim be closely related to the conduct inherent to the offense, rather than tangentially linked.”⁷⁶

Finally, the CVRA’s restriction on the evidence reviewed by the Court is consequential. Although this memorandum strictly adheres to the requirement and asks the Court to consider only evidence from the Householder case, it could, as noted before, offer a treasure trove of additional, extrinsic evidence that Householder and Clark, among others, set up Rosenberger. This limitation must apply to the government as well. The government has never been willing to acknowledge the end of the investigation despite the expiration of the statute of limitations. The government should not be permitted to use its response to this motion as a vehicle to justify its reticence by attacking Rosenberger with extrinsic evidence. In other words, what’s sauce for the goose must be sauce for the gander.

⁷¹ *McNulty*, 597 F.3d at 352, quoting *Atl. States Cast Iron Pipe Co.*, 612 F. Supp.2d 453, 536 (2009).

⁷² *Id.* at 350, quoting *In re Rendon Galvis*, 564 F.3d 170, 175 (2d Cir. 2009).

⁷³ *Id.* (citations omitted). The “fact specific” nature of the analysis prevents this, or any other particular CVRA designation, from “opening the floodgates.” As noted before, targeting political opponents was Householder’s *modus operandi*, but there is an enormous difference between recruiting and funding opposition candidates, on the one hand, and, on the other, what Householder, Clark and others did to Rosenberger.

⁷⁴ *Giraldo-Serna*, 118 F. Supp. at 383, quoting *In re Fisher*, 640 F.3d 645, 648 (5th Cir. 2011).

⁷⁵ *Id.*

⁷⁶ *Id.* at 352; *McNulty*, 597 F. 3d at 352; *United States v. Sharp*, 463 F. Supp.2d 556, 568 (E.D. Va. 2006).

2. THE RECORD DEMONSTRATES THAT ROSENBERGER WAS DIRECTLY AND PROXIMATELY HARMED BY HOUSEHOLDER’S RACKETEERING CONSPIRACY.

a. ROSENBERGER’S INJURY WAS DIRECTLY CAUSED BY THE OFFENSE RATHER THAN MERELY TANGENTIALLY RELATED.

Rosenberger’s having prevented a legislative bail out for First Energy was an important driver of the Enterprise participants and their offense. But for his opposition, it would have been unnecessary for the Enterprise to have gone to such great – and corrupt – lengths to get Householder elected as Speaker. Eliminating Rosenberger (along with his chosen successor),⁷⁷ and their opposition, was essential to the Enterprise participants’ success. Otherwise, there would have been no bailout. (Rosenberger or Smith = No Bail Out; Householder = Bail out.) Rosenberger therefore satisfies the “direct harm” requirement.

Courts have found direct harm in a variety of circumstances. In *In re Stewart*,⁷⁸ the court found that borrowers qualified under the CVRA as victims of a conspiracy to deprive a bank of honest services where the offense caused the borrowers to pay excess fees that the defendants pocketed – even though neither the information nor the plea agreement named the borrowers as victims.⁷⁹

In *United States v. Washington*,⁸⁰ the police department and another property owner were victims under the Mandatory Victim Restitution Act (“MVRA”)⁸¹ as to a police car and property

⁷⁷ Rosenberger’s chosen successor, Ryan Smith, competed with Householder for the Speakership in both 2018 and 2019. *See, e.g.*, Tr. at 1508 (PAGE ID 6185), 1624 (PAGE ID 6505), 2412 (PAGE ID 7446), 2420 (PAGE ID 7454), and 1507 (PAGE ID 6184). Smith also opposed a bailout. Tr. at 2844 (PAGE ID 7945).

⁷⁸ 552 F.3d at 1289.

⁷⁹ *Id.*

⁸⁰ 434 F.3d 1265 (11th Cir. 2006) (cited in *McNulty*, 597 F.3d at 351).

⁸¹ 18 U.S.C. § 3663(A). The *McNulty* court found cases interpreting the MVRA as “precedential to findings under the CVRA,” though “not binding on [the court’s] interpretation of the CVRA for purpose of determining whether an individual is a ‘crime victim,’ as the definition differs under the statutes.” *McNulty*, 592 F.3d at n. 6.

damaged during the defendant's flight, as a direct and proximate result of the bank robbery he had just committed.⁸² The court found that "[a]lthough flight is not an element of bank robbery, its harm may directly and proximately result from the robbery."⁸³

Further, in *Moore v. United States*,⁸⁴ the court found that a bank customer was an MVRA victim of an attempted robbery where the defendant had stood within six feet of the customer and pointed what appeared to be a sawed-off shotgun at him.⁸⁵ Thus, the court affirmed a finding by the district court that this victim was entitled to \$528.00 in restitution, for lost wages incurred because of the time spent giving statements, identifying the suspects, preparing for, and testifying at trial.⁸⁶

Giraldo-Serna provides a useful contrast, and in so doing, supports Rosenberger's claim. There, the court denied a motion by children of an individual who was allegedly killed by members of a paramilitary group for designation as "crime victims" under the CVRA. The movants alleged that their father had been killed at the direction of a paramilitary leader because he opposed the cultivation of cacao in the area where the group operated, which provided the group's primary source of revenue.⁸⁷

The court observed that neither the Indictment nor the Statement of Facts in support of the defendant's plea agreement suggested that the defendant had used force or violence in support of the charged conspiracy.⁸⁸ Further, the charged conspiracy did not require an act of force or violence.⁸⁹ "The only conduct underlying the defendant's charged conspiracy [was] the

⁸² *Id.* at 1266-70.

⁸³ *Id.* at 1268.

⁸⁴ 178 F.3d 994 (8th Cir. 1999) (cited in *McNulty*, 597 F.3d at 351).

⁸⁵ *Id.* at 1001.

⁸⁶ *Id.*

⁸⁷ *Giraldo-Serna*, 118 F. Supp.3d at 377-78.

⁸⁸ *Id.* at 383.

⁸⁹ *Id.*

‘formation’ of an ‘unlawful agreement to import’ cocaine into the United States through the collection of taxes assessed against others actually engaged in the manufacture and importation of cocaine.”⁹⁰ Because the court was limited to considering the offense of conviction based on facts reflected in the jury verdict or admitted by the defendant, the alleged killing was too factually attenuated from the defendant’s offense to constitute direct harm.⁹¹

Here, on the other hand, what the Enterprise defendants did to Rosenberger was integral to the scheme – a pattern of pressuring other legislators,⁹² and other public officials,⁹³ while punishing adversaries⁹⁴ – to accomplish their objective of enacting HB 6. Those who supported Householder were protected. Those who did not – such as Rosenberger – suffered consequences. Rosenberger’s “consequence” was being driven from office. Unlike the killing in *Giraldo-Serna*, which appears to have been a simple act of retaliation, getting rid of Rosenberger was central to accomplishing the conspirators’ objectives. As with the victims in *Stewart*, *Washington* and *Moore*, Rosenberger was directly harmed by the RICO conspiracy even though not explicitly named in the charging instruments, as clearly established by the proof at trial.

b. ROSENBERGER WAS PROXIMATELY HARMED

As the court observed in *Giraldo-Serna*, “[a] person is proximately harmed when the harm is a reasonably foreseeable consequence of the criminal conduct.”⁹⁵ Thus, in *Stewart*, the bank customers were proximately harmed by the defendants’ “honest services fraud” offense against the bank because the injury to them was reasonably foreseeable.⁹⁶ So, too, in

⁹⁰ *Id.* at 384.

⁹¹ *Id.* at 387.

⁹² Complaint ¶ 109; *see* Tr. at 33 (PAGE ID 4544), 2424-2425 (PAGE ID 7458-7459), 2427 (PAGE ID 7461).

⁹³ Indictment ¶ 41; Complaint ¶ 109.

⁹⁴ Tr. at 2863 (PAGE ID 7964), 2660 (PAGE ID 7694).

⁹⁵ 118 F. Supp. at 383, quoting *In re Fisher*, 640 F.3d 645, 648 (5th Cir. 2011).

⁹⁶ *See* text accompanying notes 62 and 63, above.

Washington, the police and property owner were proximately harmed, since their injury was a reasonably foreseeable consequence of the defendant's flight from the bank robbery.⁹⁷ And, in *Moore*, the victim was proximately harmed because his loss of income was an inevitable consequence of the robbery.⁹⁸

Rosenberger presents an even clearer case. Ousting Rosenberg, removing the obstacle to a bailout's passage, was precisely what members of the Enterprise intended. His injury plainly was a proximate result of the offense.

III. CONCLUSION

But for the Enterprise participants' need to get rid of Rosenberg to accomplish their illegal objective, Rosenberg would not have been driven from office. His reputational and emotional injuries therefore were directly caused by the offense. Since driving Rosenberg from office was intentional, the injuries were proximately caused by the offense. Rosenberg thus qualifies as a "crime victim" under the CVRA.

Respectfully submitted,

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⁹⁷ See text accompanying notes 65-67, above.

⁹⁸ See text accompanying notes 68-70, above.

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2023, the foregoing *Motion for Designation as a Victim* has been filed via the Court's CM/ECF system, which will effect service on all parties.

s\David Axelrod
David F. Axelrod

EXHIBIT A

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Conversation between
Larry Householder and Neil Clark

<p style="text-align: right;">Page 2</p> <p>1 LARRY HOUSEHOLDER: Okay. And as far 2 as, you know, we like war. You know that, Neil. 3 NEIL CLARK: Mm-hmm. 4 LARRY HOUSEHOLDER: Do you think we 5 should go ahead and make some kind of a movement 6 on lips and Greenspan just to set there and say 7 if you're going to fuck with me, I'm going to 8 fuck with your kids? 9 NEIL CLARK: You know, the biggest 10 problem with C4 money or with -- right. You're 11 talking about with C4 money, right? 12 LARRY HOUSEHOLDER: Yes. I get it. 13 NEIL CLARK: No, that's an important 14 part. So you can't -- in my opinion, I don't 15 think you can use hard dollars to attack an 16 incumbent. Okay? You can use soft dollars to 17 attack an incumbent because there's always 18 deniability. I would not use hard dollars to 19 attack an incumbent. I would use soft dollars. 20 LARRY HOUSEHOLDER: Well, we could 21 start some kind of a super PAC called Neil Scott 22 Clark, Incorporated. (Laughs) 23 NEIL CLARK: Yeah. Right. But -- 24 (Audio cuts out) 25 NEIL CLARK: You include my point that</p>	<p style="text-align: right;">Page 4</p> <p>1 guns. 2 NEIL CLARK: They didn't -- 3 LARRY HOUSEHOLDER: The Washington 4 liberals will stop at nothing. 5 NEIL CLARK: They did it before, and 6 they're doing it again. And they didn't learn 7 the lesson the last time. You know, now they're 8 doing it again. Now they brought in Washington 9 people who, you know, have -- you can go through 10 the -- you can -- kind of thing of who she 11 represents. I mean, it was -- they were all 12 fairly, you know, minor to liberal Republicans. 13 LARRY HOUSEHOLDER: It doesn't matter 14 who she represents. I don't -- 15 NEIL CLARK: Right. 16 LARRY HOUSEHOLDER: -- give a fuck. I 17 can call her anything I want to call her. 18 NEIL CLARK: That's correct. 19 LARRY HOUSEHOLDER: I'm just going to 20 say the Washington liberals are coming after your 21 fucking guns. 22 NEIL CLARK: You know, it's 23 interesting. It's like she has -- 24 LARRY HOUSEHOLDER: Grab your wallets, 25 grab your guns, here they come. They'll do</p>
<p style="text-align: right;">Page 3</p> <p>1 you make it. My problem with you first and 2 foremost is that you've got to take care of 3 yourself. And so like when I did it to you, your 4 response was here we go. And this is on -- here 5 we go again. Outsiders are trying to tell you 6 what to do. See that's the one thing that was 7 probably what people forget is that by putting 8 that Alexandria, Virginia on there and having 9 this lady who has, you know, (indiscernible) like 10 treasurer for Rubio, which makes her a liberal, 11 is that here we go again. 12 LARRY HOUSEHOLDER: Yep. 13 (Indiscernible) she's a liberal. 14 NEIL CLARK: Right. 15 LARRY HOUSEHOLDER: And that the 16 Washington liberals have recruited him to be a 17 warm body. 18 NEIL CLARK: Right. 19 LARRY HOUSEHOLDER: Yeah. 20 NEIL CLARK: So it could -- but we've 21 been through this before. 22 LARRY HOUSEHOLDER: (Indiscernible) 23 shit like gun control. 24 NEIL CLARK: You know, this isn't -- 25 LARRY HOUSEHOLDER: They want your</p>	<p style="text-align: right;">Page 5</p> <p>1 (indiscernible). 2 NEIL CLARK: It's interesting that she 3 has Larry Householder -- 4 LARRY HOUSEHOLDER: Just do anything. 5 NEIL CLARK: -- honor and principle she 6 (indiscernible), but the clients that she 7 represented had to give back money because they 8 took too much in political contributions. Yeah, 9 so she had that problem with Rubio and somebody 10 else in there. Some of the articles about her 11 are interesting. 12 LARRY HOUSEHOLDER: Same problem I had. 13 NEIL CLARK: Yeah. It's like, you 14 know, you guys are the criminals. 15 LARRY HOUSEHOLDER: Do you really want 16 to make this about Washington or Columbus? 17 NEIL CLARK: Well, see if you say it's 18 (indiscernible), don't you think it's better to 19 say that anti-Trumpsters from Washington are 20 trying to come in and steal this race? Isn't 21 that (indiscernible)? 22 LARRY HOUSEHOLDER: I don't think we 23 can talk about stealing the race because I 24 don't... 25 NEIL CLARK: It's, you know, anti-</p>

<p style="text-align: right;">Page 6</p> <p>1 Trumpsters coming in.</p> <p>2 LARRY HOUSEHOLDER: So it's a liberal</p> <p>3 agenda. And once again, they know who's blocking</p> <p>4 the door.</p> <p>5 NEIL CLARK: Negative shit like that.</p> <p>6 So if you can get up by Tuesday --</p> <p>7 LARRY HOUSEHOLDER: Wednesday.</p> <p>8 NEIL CLARK: -- and you know, make your</p> <p>9 (indiscernible) a little bit longer than theirs,</p> <p>10 a couple of years later, you know, that should be</p> <p>11 enough. It may have been enough (indiscernible).</p> <p>12 LARRY HOUSEHOLDER: (Indiscernible).</p> <p>13 NEIL CLARK: It's probably ten days.</p> <p>14 Seven to ten days.</p> <p>15 LARRY HOUSEHOLDER: You got to bury it</p> <p>16 10 foot deep.</p> <p>17 NEIL CLARK: So you just -- you hook</p> <p>18 the motherfucker. You hook the motherfucker</p> <p>19 permanently, and then you wipe -- rather than</p> <p>20 playing, or you go and, you know, nothing -- you</p> <p>21 know, the other thing you could do if you really</p> <p>22 have a super PAC and then run a commercial -- now</p> <p>23 listen to me, John, you know, and just run it in</p> <p>24 his district. His being Rosenberger. Why don't</p> <p>25 you ask Rosenberger where his (indiscernible)?</p>	<p style="text-align: right;">Page 8</p> <p>1 since he's been up there. And then he'll fucking</p> <p>2 panic, you know, because of other things that are</p> <p>3 happening. He'll fucking panic.</p> <p>4 LARRY HOUSEHOLDER: Well, not only</p> <p>5 that, but he is -- everything he's doing with</p> <p>6 Beth Ellis is a picture of his fat face. Every</p> <p>7 God damn lip piece she's got is I'm endorsed --</p> <p>8 she's endorsed by Cliff Rosenberger. She's</p> <p>9 endorsed by Cliff Rosenberger. We destroy Cliff</p> <p>10 Rosenberger, and we destroy her.</p> <p>11 NEIL CLARK: Yeah. Well, that's why</p> <p>12 I'm saying what you can do -- do you have</p> <p>13 candidate by now running against her?</p> <p>14 LARRY HOUSEHOLDER: Yeah, we've got a</p> <p>15 great candidate.</p> <p>16 NEIL CLARK: Okay. But why would she</p> <p>17 go --</p> <p>18 LARRY HOUSEHOLDER: A fantastic</p> <p>19 candidate.</p> <p>20 NEIL CLARK: World traveler on the tab</p> <p>21 of lobbyists. World traveler on the tab of</p> <p>22 lobbyists, okay? Because that's a fact. That go</p> <p>23 PAC is paid for by lobbyists, people have special</p> <p>24 interest. World traveler paid for by special</p> <p>25 interest lobbyists. Ask him where he's been for</p>
<p style="text-align: right;">Page 7</p> <p>1 Ask him about all of his trips.</p> <p>2 LARRY HOUSEHOLDER: Ask him about his</p> <p>3 condo up in the (indiscernible) --</p> <p>4 NEIL CLARK: Ask him about all of his</p> <p>5 freebies.</p> <p>6 LARRY HOUSEHOLDER: You know, take the</p> <p>7 time when you're (indiscernible). Ask him about</p> <p>8 the three young boys --</p> <p>9 NEIL CLARK: Yeah. (Indiscernible) --</p> <p>10 LARRY HOUSEHOLDER: -- got paid off</p> <p>11 (indiscernible) out of Columbus --</p> <p>12 NEIL CLARK: But at least --</p> <p>13 LARRY HOUSEHOLDER: -- (indiscernible).</p> <p>14 NEIL CLARK: The only thing -- but the</p> <p>15 one thing that's perfect is that when you take a</p> <p>16 place like that where they're working on it every</p> <p>17 day, did you know he was out taking trips all</p> <p>18 over the world?</p> <p>19 LARRY HOUSEHOLDER: Yeah.</p> <p>20 NEIL CLARK: Ask him.</p> <p>21 LARRY HOUSEHOLDER: What's a guy from</p> <p>22 Ohio needs to go to (indiscernible) to another</p> <p>23 country. What do I have to do to go to London?</p> <p>24 NEIL CLARK: Right. Or the French</p> <p>25 Riviera. You know, ask him what he's been doing</p>	<p style="text-align: right;">Page 9</p> <p>1 the past year, and is it -- and you're going to</p> <p>2 let Beth go take trips, or is that the --</p> <p>3 LARRY HOUSEHOLDER: (Indiscernible) for</p> <p>4 the last four years.</p> <p>5 NEIL CLARK: Yeah, and just go get up,</p> <p>6 tell us. Give us your schedule. Do something to</p> <p>7 --</p> <p>8 LARRY HOUSEHOLDER: (Indiscernible).</p> <p>9 NEIL CLARK: That would lead -- yeah.</p> <p>10 I mean, see that would just -- that would -- what</p> <p>11 it would do for down there by putting out</p> <p>12 something like that, even if it were just a</p> <p>13 \$5,000 buy, it's enough to drive you crazy.</p> <p>14 Because it'll go viral. You know, the spot</p> <p>15 itself will go on, you know. Huh? You can call</p> <p>16 him little jet man. Where's little jet man been</p> <p>17 traveling to.</p> <p>18 UNKNOWN: (Indiscernible).</p> <p>19 NEIL CLARK: Rock man.</p> <p>20 LARRY HOUSEHOLDER: Little rocket man.</p> <p>21 NEIL CLARK: Yeah, but you can't -- I</p> <p>22 know but you can't use rocket man because it's</p> <p>23 for something else, but you know, little jet man.</p> <p>24 Where's the little -- where's his little playboy</p> <p>25 running to or whatever? You know, something like</p>

3 (Pages 6 - 9)

<p style="text-align: right;">Page 10</p> <p>1 that.</p> <p>2 UNKNOWN: (Indiscernible).</p> <p>3 LARRY HOUSEHOLDER: I don't know yet.</p> <p>4 UNKNOWN: (Indiscernible)?</p> <p>5 LARRY HOUSEHOLDER: Because</p> <p>6 (indiscernible).</p> <p>7 UNKNOWN: 6:10.</p> <p>8 LARRY HOUSEHOLDER: I think you're</p> <p>9 attacking you. I think it's in -- it's Tonder.</p> <p>10 NEIL CLARK: It is. I mean, it was her</p> <p>11 fault in the first place. She married you.</p> <p>12 Therefore she was -- if she would've gone with</p> <p>13 the guy down the street, you know, everything</p> <p>14 would've been better.</p> <p>15 LARRY HOUSEHOLDER: Yep.</p> <p>16 NEIL CLARK: I think -- so, you know,</p> <p>17 my strategy's simple is that you take care of you</p> <p>18 first with the least amount of dollars you can to</p> <p>19 get the message across that it's outsiders who</p> <p>20 are again trying to come in and tell you what to</p> <p>21 do. So however you want to wrap that</p> <p>22 (indiscernible).</p> <p>23 LARRY HOUSEHOLDER: For our last poll,</p> <p>24 the other four ballots -- no, no, the what were</p> <p>25 we at, Jeff? 51 to 6 or something like that?</p>	<p style="text-align: right;">Page 12</p> <p>1 would do? Go (indiscernible) what you did on --</p> <p>2 the guy's on Facebook, right?</p> <p>3 LARRY HOUSEHOLDER: Yeah.</p> <p>4 NEIL CLARK: So you go have -- you</p> <p>5 know, go have your bud, your bud, you know, the</p> <p>6 motorcycles guy, (Indiscernible) or whatever his</p> <p>7 name is, get all these guys (indiscernible) how</p> <p>8 dare you. Let a PAC attack him. You need to</p> <p>9 come out and -- you know, what you could do</p> <p>10 (indiscernible) immediately is that he needs to</p> <p>11 come out and denounce the support of that group.</p> <p>12 LARRY HOUSEHOLDER: I'd rather they</p> <p>13 boycott his business.</p> <p>14 NEIL CLARK: What's he have? What kind</p> <p>15 of business?</p> <p>16 LARRY HOUSEHOLDER: He's got Edward</p> <p>17 Jones. He's an investment counselor over in</p> <p>18 (Indiscernible).</p> <p>19 NEIL CLARK: Okay.</p> <p>20 LARRY HOUSEHOLDER: Which has -- Edward</p> <p>21 Jones has a --</p> <p>22 NEIL CLARK: You know what you could do</p> <p>23 -- what you could do -- okay. Okay.</p> <p>24 LARRY HOUSEHOLDER: -- litany of</p> <p>25 lawsuits against them. They have a litany of</p>
<p style="text-align: right;">Page 11</p> <p>1 JEFF: Yep.</p> <p>2 LARRY HOUSEHOLDER: Yeah. 51 to 6.</p> <p>3 NEIL CLARK: Okay. So you just -- it's</p> <p>4 a barely -- it's barely over 50, okay? For them</p> <p>5 to get around a lot, that's not -- that's</p> <p>6 (indiscernible). So -- what you need -- that</p> <p>7 doesn't mean it's the (indiscernible). I'm just</p> <p>8 saying that we need to make the people aware</p> <p>9 again because it didn't work when I did it, is</p> <p>10 again that it's outsiders trying to interfere,</p> <p>11 all right?</p> <p>12 LARRY HOUSEHOLDER: Right.</p> <p>13 NEIL CLARK: So that's number one. So</p> <p>14 then we have to decide if we want to, you know,</p> <p>15 start knocking some of their people off, or do</p> <p>16 you want to just go after -- you could after</p> <p>17 (indiscernible) or you could spend five, \$6,000</p> <p>18 and go put something on in Rosenberger's district</p> <p>19 and blow his brains out.</p> <p>20 LARRY HOUSEHOLDER: Yeah. So is there</p> <p>21 anything that we can do to make the candidate</p> <p>22 over here extremely nervous? In other words,</p> <p>23 attack him. Because they're not going to defend</p> <p>24 him.</p> <p>25 NEIL CLARK: Well, too, you know what I</p>	<p style="text-align: right;">Page 13</p> <p>1 lawsuits against them for overcharging senior</p> <p>2 citizens in fees for their 401Ks.</p> <p>3 NEIL CLARK: So what is wrong with just</p> <p>4 having volunteers go picket there in front of his</p> <p>5 office going what did -- you know, how can you</p> <p>6 support outsiders trying to be -- you know,</p> <p>7 trying to tell us what to do? Something like</p> <p>8 that. You know --</p> <p>9 UNKNOWN: I'm going to grab this call,</p> <p>10 guys. I'll call you back.</p> <p>11 LARRY HOUSEHOLDER: Okay.</p> <p>12 NEIL CLARK: That's all I'm saying is I</p> <p>13 mean you could do something like that, and that</p> <p>14 would be (indiscernible). Because Christ, the</p> <p>15 office manager's going to want to have that</p> <p>16 happening everyday with people out there.</p> <p>17 LARRY HOUSEHOLDER: Right. Right. We</p> <p>18 could even pay for telephone calls to go into the</p> <p>19 office bitching.</p> <p>20 NEIL CLARK: Yeah, that's correct.</p> <p>21 Well, I'm (indiscernible) based on what kind of</p> <p>22 flow came from Facebook kind of stuff. I think</p> <p>23 you just need like kind of your best friends to</p> <p>24 post on his -- on --</p> <p>25 (End of audio)</p>

4 (Pages 10 - 13)

CERTIFICATION

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I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

Sonya M. Ledanski Hyde

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: May 26, 2023

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[lady - problem]

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[wrap - young]

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EXHIBIT B

WINNING OHIO FOR HOUSEHOLDER

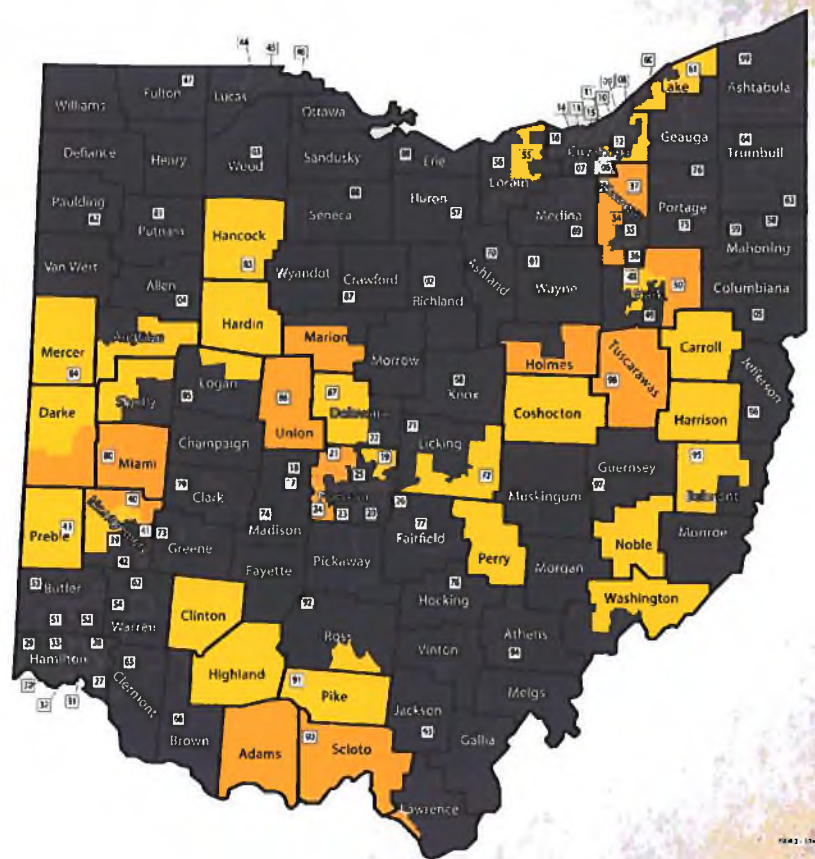
2018 Ohio House
Primary Campaigns

2018 Primary Engagement

House Districts

HD 6	HD 61
HD 19	HD 67
HD 21	HD 72
HD 24	HD 80
HD 37	HD 83
HD 38	HD 84
HD 40	HD 86
HD 43	HD 90
HD 48	HD 91
HD 50	HD 95
HD 55	HD 98

Storytellers
DATA-DRIVEN CAMPAIGNS



20/21 Win Rate

Open House Districts

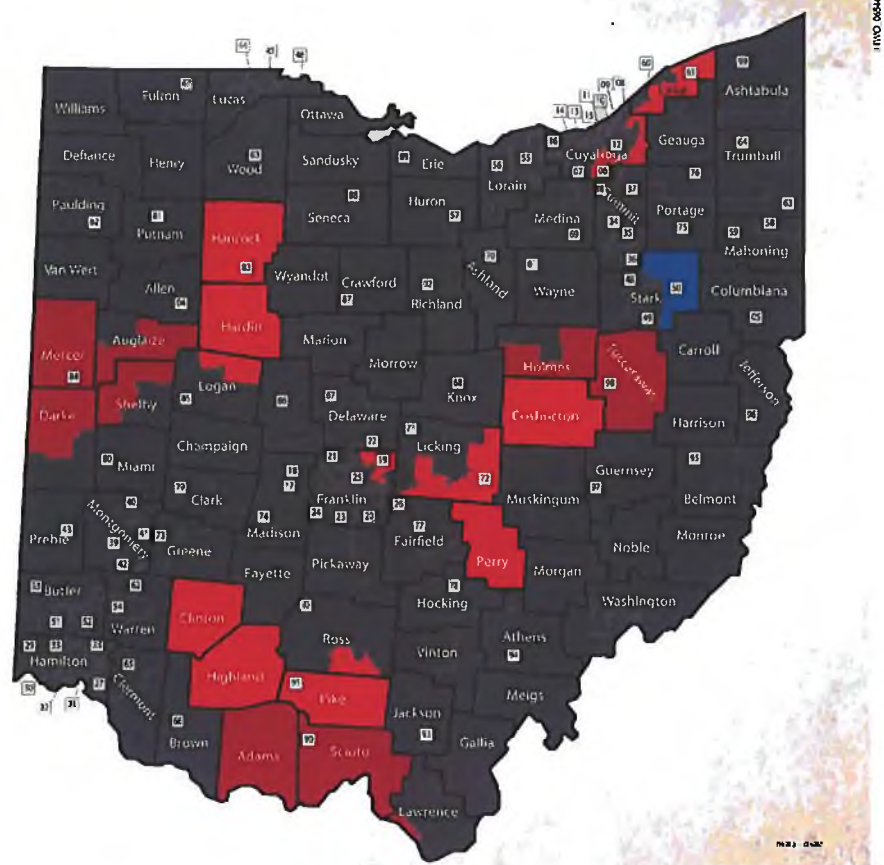
HD 6 (W)	HD 61 (W)
HD 19 (W)	HD 67 (W)
HD 21 (W)	HD 80 (W)
HD 24 (W)	HD 83 (W)
HD 37 (W)	HD 84 (W)
HD 38 (W)	HD 86 (W)
HD 40 (W)	HD 90 (W)
HD 43 (W)	HD 91 (W)
HD 48 (W)	HD 95 (W)
HD 50 (L)	HD 98 (W)
HD 55 (W)	

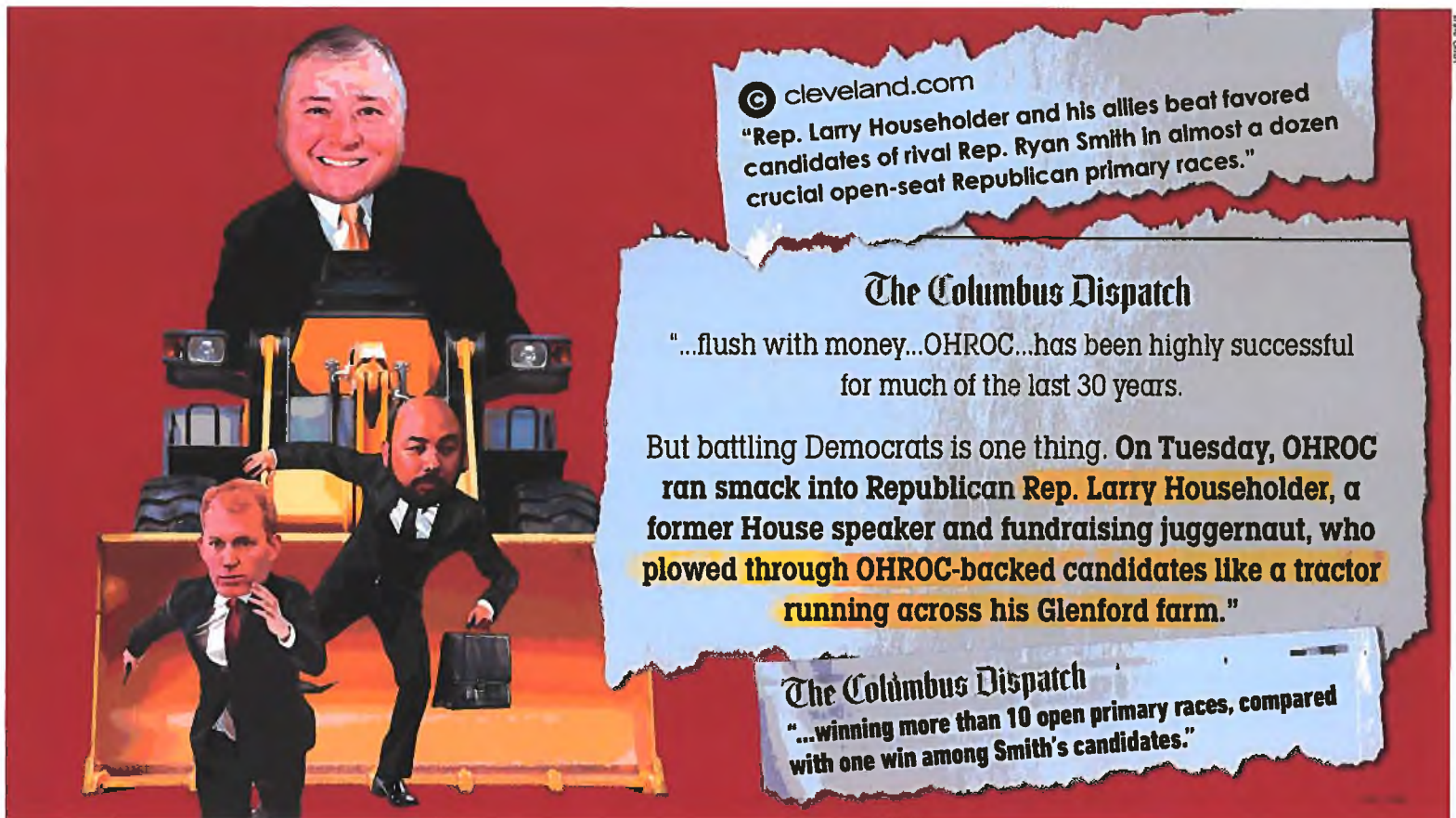


Targeted Districts

House Districts

HD 6	(W)	HD 83	(W)
HD 19	(W)	HD 84	(W)
HD 50	(L)	HD 90	(W)
HD 61	(W)	HD 91	(W)
HD 72	(W)	HD 98	(W)





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"Rep. Larry Householder and his allies beat favored candidates of rival Rep. Ryan Smith in almost a dozen crucial open-seat Republican primary races."

The Columbus Dispatch

"...flush with money...OHROC...has been highly successful for much of the last 30 years.

But battling Democrats is one thing. On Tuesday, OHROC ran smack into Republican Rep. Larry Householder, a former House speaker and fundraising juggernaut, who plowed through OHROC-backed candidates like a tractor running across his Glenford farm."

The Columbus Dispatch

"...winning more than 10 open primary races, compared with one win among Smith's candidates."

Challenges: Establishment Power

- “...flush with money...OHROC...has been highly successful for much of the last 30 years.”
– *The Columbus Dispatch*
- OHROC: \$354,200 distributed as of April 26
- Ginni Ragan: \$224,000 distributed to OHROC candidates as of April 26

POLLING ACCURACY

Polling & Election Results

HD 06	Poll 1	Poll 2	Poll 3	Results
	1/15 - 1/17	4/9 - 4/11	4/26 - 4/30	5/8
Trakas	34%	26%	44%	57%
Canty	9%	22%	27%	43%
Net	+25%	+4%	+17%	+14%

HD 19	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/24	4/9 - 4/12	4/26 - 4/30	5/8
Barhorst	6%	16%	26%	53%
Ferguson	6%	19%	19%	39%
Curry	3%	3%	9%	7%
Net	Even	-3%	+7%	+14%

HD 21	Poll 1	Poll 2	Poll 3	Results
	3/27 - 4/3	4/30 - 5/3	—	5/8
Harris	17%	25%	—	71%
Smith	10%	11%	—	29%
Net	+7%	+14%	—	+42%

HD 24	Poll 1	Poll 2	Poll 3	Results
	11/15 - 11/17	—	—	5/8
Yassenoff	17%	—	—	100%
Hughes	14%	—	—	—
Johnson	9%	—	—	—
Manley	5%	—	—	—
Schuck	3%	—	—	—
Net	+3%	—	—	—

Polling & Election Results

HD 37	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/24	4/14 - 4/18	—	5/8
Rasor	29%	48%	—	67%
Vaughan	4%	7%	—	17%
Shubert	5%	6%	—	16%
Net	+24%	+41%	—	+50%

HD 42	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/22	—	—	5/8
Antani	38%	—	—	63%
Clark	6%	—	—	28%
Rech	5%	—	—	9%
Net	+32%	—	—	+35%

HD 47	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/24	—	—	5/8
Merrin	45%	—	—	65%
Lang	15%	—	—	35%
Net	+30%	—	—	+30%

HD 48	Poll 1	Poll 2	Poll 3	Results
	10/9 - 10/10	—	—	5/8
Oelslager	66%	—	—	100%
Walters	15%	—	—	—
Net	+51%	—	—	—

Polling & Election Results

HD 50	Poll 1	Poll 2	Poll 3	Results
	2/5 - 2/7	4/9 - 4/12	4/26 - 4/30	5/8
Stoltzfus	10%	39%	50%	61%
Hagan	36%	28%	27%	39%
Net	+26%	-11%	-23%	-22%

HD 62	Poll 1	Poll 2	Poll 3	Results
	4/21 - 4/24	—	—	5/8
Lipps	44%	—	—	61%
Kroger	13%	—	—	39%
Net	+31%	—	—	+22%

HD 67	Poll 1	Poll 2	Poll 3	Results
	1/15 - 1/17	4/14 - 4/18	—	5/8
Jordan	49%	41%	—	40%
Lorenz	8%	12%	—	30%
Martin	6%	17%	—	30%
Net	+41%	+24%	—	+10%

Polling & Election Results

HD 72	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/22	4/14 - 4/18	4/23 - 4/25	5/8
Householder	51%	36%	48%	63%
Black	7%	35%	25%	37%
Net	+44%	+1%	+23%	+26%

HD 81	Poll 1	Poll 2	Poll 3	Results
	3/27 - 3/29	—	—	5/8
Hoops	36%	—	—	66%
Liebrecht	11%	—	—	34%
Net	+25%	—	—	+32%

HD 80	Poll 1	Poll 2	Poll 3	Results
	3/5 - 3/7	4/14 - 4/17	—	5/8
Powell	15%	46%	—	50%
O'Brien	22%	15%	—	21%
Winteregg	15%	11%	—	19%
Lovett	9%	8%	—	11%
Net	-7%	+31%	—	+29%

HD 83	Poll 1	Poll 2	Poll 3	Results
	1/15 - 1/17	4/9 - 4/11	—	5/8
Cross	27%	37%	—	59%
Buckland	16%	35%	—	41%
Net	+11%	+2%	—	+18%

Polling & Election Results

HD 85	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/24	—	—	5/8
Vitale	47%	—	—	71%
Ratermann	11%	—	—	10%
Foulk	6%	—	—	9%
Griffis	5%	—	—	11%
Net	+36%	—	—	+60%

HD 86	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/24	4/14 - 4/18	—	5/8
Richardson	22%	45%	—	72%
Sammons	10%	7%	—	28%
Net	+12%	+38%	—	+44%

Polling & Election Results

HD 90	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/22	4/9 - 4/11	4/26 - 4/30	5/8
Baldrige	28%	30%	39%	40%
Collinsworth	14%	30%	25%	31%
Pizzulli	5%	10%	14%	19%
Powell	7%	5%	5%	10%
Net	+14%	Even	+14%	+9%

HD 98	Poll 1	Poll 2	Poll 3	Results
	4/9 - 4/12	4/26 - 4/30	—	5/8
Hillyer	18%	26%	—	31.65%
Gunnoe	25%	27%	—	31.55%
Ress	13%	16%	—	25%
Behrendt	5%	3%	—	7%
Hawthorne	—	3%	—	4%
Net	-7%	-1%	—	+0.10%

HD 91	Poll 1	Poll 2	Poll 3	Results
	2/20 - 2/22	4/9 - 4/11	4/30 - 5/3	5/8
Wilkin	40%	43%	49%	56%
Ellis	20%	30%	31%	44%
Net	+20%	+13%	+18%	+12%

THE CAMPAIGN

Messaging Arc

Pre-Indictment Messaging Themes

- ...backed by the Columbus machine
- ...funded by never-Trumpers who supported Kasich in 2016
- ...is desperate to go to Columbus and be a career politician

Post-Indictment Messaging Themes

- ...endorsed by disgraced Former Speaker Cliff Rosenberger
- ...taking money from outside groups set up by disgraced Former Speaker Cliff Rosenberger, who is the subject of an FBI investigation

HD o6 CASE STUDY

HD 06 Pre-Engagement Polling

HD 06		Poll 2
		4/9 - 4/11
Trakas		26%
Canty		22%
Net		+4%

HD 06 Message Testing

Message	Much Less Likely	Somewhat Less Likely	Total Less Likely
Hit 1: As Mayor of Bentleyville, Michael Canty voted to more than double his own pay .	40%	16%	56%
Hit 2: As CEO of his company, Michael Canty outsourced Ohio jobs to China and other countries.	41%	21%	62%
Hit 3: Michael Canty has donated to a never-Trumper and a Senator who supports Obamacare . Michael Canty opposes President Trump.	63%	12%	75%

HD 06 Direct Mail Examples



HD 06 Final Results

HD 06	Poll 2	Results
	4/9 - 4/11	5/8
Trakas	26%	57%
Canty	22%	43%
Net	+4%	+14%

HD 19 CASE STUDY

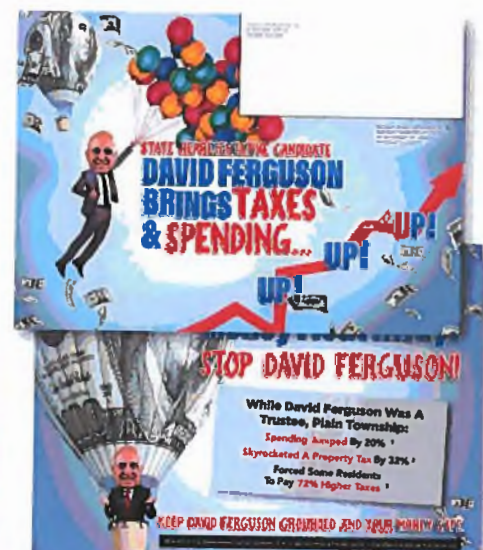
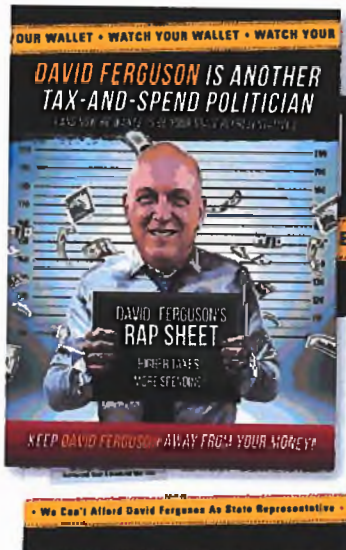
HD 19 Pre-Engagement Polling

HD 19	Poll 2
4/9 – 4/12	
Barhorst	16%
Ferguson	19%
Curry	3%
Net	-3%

HD 19 Message Testing

Message	Much Less Likely	Somewhat Less Likely	Total Less Likely
Hit 1: Dave Ferguson presided over a 32 percent tax increase as Plain Township Trustee, which for many residents amounted to a 74 percent increase.	37%	19%	56%
Hit 2: While Dave Ferguson has been a township trustee, taxpayer spending has spiraled out of control, increasing almost 20 percent during his last term alone.	38%	15%	53%
Hit 3: Dave Ferguson is a career politician who will be another Columbus insider if elected to the State House.	44%	11%	55%

HD 19 Direct Mail Examples



HD 19 Final Results

HD 19	Poll 2	Results
	4/9 - 4/12	5/8
Barhorst	16%	53%
Ferguson	19%	39%
Curry	3%	7%
Net	-3%	+14%

HD 90 CASE STUDY

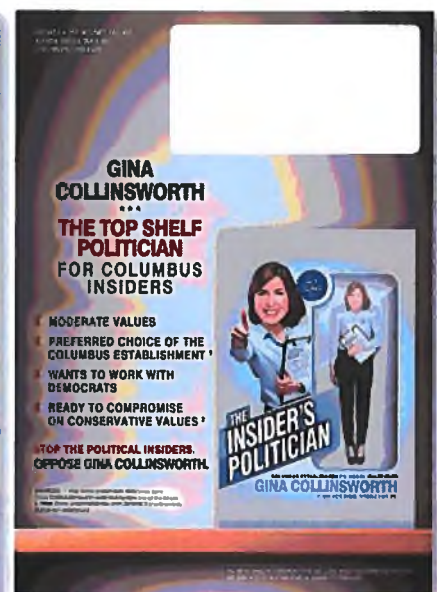
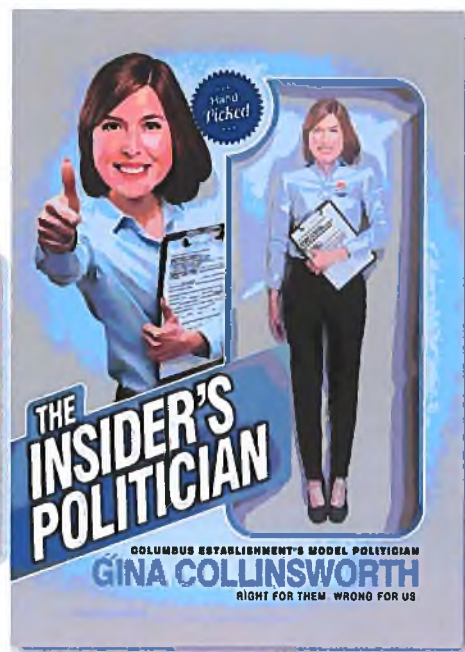
HD 90 Pre-Engagement Polling

HD 90	Poll 2
4/9 - 4/11	
Baldrige	30%
Collinsworth	30%
Pizzulli	10%
Powell	5%
Net	Even

HD 90 Message Testing

Message	Much Less Likely	Somewhat Less Likely	Total Less Likely
Hit 1: Gina Collinsworth is hand-picked for this seat by Columbus insiders who know she will fit right in with the career politicians.	34%	20%	54%
Hit 2: Gina Collinsworth is a moderate who says she will always compromise. She won't fight for the conservative principles that make our country great.	42%	13%	55%

HD 90 Direct Mail Examples



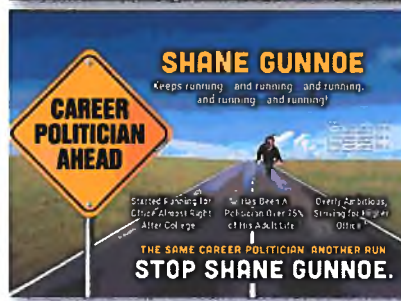
HD 90 Final Results

HD 90	Poll 2	Results
	4/9 – 4/11	5/8
Baldrige	30%	40%
Collinsworth	30%	31%
Pizzulli	10%	19%
Powell	5%	10%
Net	Even	+9%

More Pre-Indictment Direct Mail



More Pre-Indictment Direct Mail



The Campaign's Pivoting Point

The Enquirer

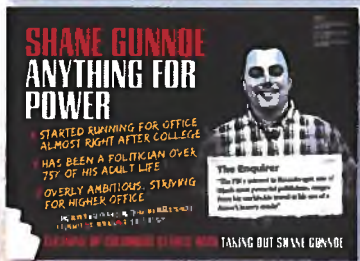
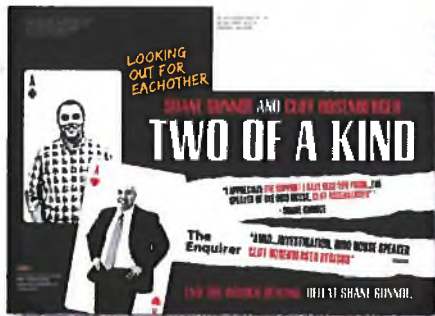
April 10, 2018

**“Amid FBI investigation,
Ohio House Speaker Cliff
Rosenberger resigns”**

Post-Indictment Direct Mail



Post-Indictment Direct Mail



Even Better Going Forward

- Late start: targeted districts and budget allocation in hand less than 6 weeks from Election Day
- Limited opposition research; mostly weak hits, if any
- Multiple updates to target list and budget, some within one week of Election Day

Storytellers 
DATA-DRIVEN CAMPAIGNS

experts@storytellersconsulting.com

Chicago
Columbus
Washington, D.C.